

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CHRISTOPHER G. DIGIORGIO and)

DOMINICK C. DIGIORGIO,)

Defendants.)

4:08CR3019

**MEMORANDUM
AND ORDER**

As usual, Judge Piester has done a thorough and thoughtful job. After de novo review, I see no reason to “gild the lily” by adding anything to the judge’s 35-page report and recommendation. ([Filing 42](#).) Even though the government ([filing 46](#)) and Dominick C. DiGiorgio ([filing 43](#)) object to the report and recommendation (obviously, for different reasons), Judge Piester has correctly stated the law and he has correctly found the facts.¹ Therefore,

IT IS ORDERED that:

1. The report and recommendation ([filing 42](#)) is adopted. The objections (filings [43](#) and [46](#)) are denied.
2. Dominick DiGiorgio’s motion ([filing 18](#)) to suppress is denied.

¹Christopher G. DiGiorgio is going to win this one. That said, defense lawyers should understand that the facts of this case as to Christopher are very unique. The government’s sloppy advocacy didn’t help either. Thus, defense lawyers should be careful about citing this case as authority for motions to suppress submitted on behalf of passengers in other cases. If defense counsel ignore my warning, this footnote may come back to bite them.

3. Christopher C. DiGiorgio's motion ([filing 20](#)) to suppress is granted.

July 11, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge